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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZIBU “BOB” GAO,
 ZHICHENG ZENG,
 LI HUA MA,
 aka Lin,
 aka Lene Lam,
 XIANG ZHUGE,
 RALPH FRANK PETERS,
 aka Peter,
 aka Patrick, and
 LIWEI TAN KUO,
 aka Grace Tan,
 aka Li Wei Tan,
 aka Tan Kuo Liwei,
 aka Grace Kuo,
 aka Li Wei Kuo,

Defendants.

No.: CR 05-00465-JSW

~~[PROPOSED]~~ ORDER EXCLUDING
 TIME UNDER THE SPEEDY TRIAL ACT
 AS TO DEFENDANT PETERS

[PROPOSED] ORD. EXCLUDING TIME
 UNDER THE STA AS TO DEFT. PETERS
 No.: CR 05-00465-JSW

1 This matter came on the calendar of the Honorable James Larson on October 7, 2005
2 following the defendant's initial appearance in this district on October 3, 2005. At the parties'
3 request, the Court continued the matter until November 17, 2005, which was the date previously
4 set before Judge White for the co-defendants (with the exception of defendant Kuo, who has not
5 yet appeared in this district). The parties requested an exclusion of time under the Speedy Trial
6 Act on two bases.

7 First, the parties requested an exclusion of time based upon the need for effective
8 preparation of counsel. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). Defense counsel Juliana
9 Drous is new to this case and will need ample time to review the voluminous discovery. While
10 most of the discovery has been turned over, there is some outstanding discovery remaining.
11 Much of that discovery needs to be translated into English, which may take up to one month.

12 Second, defendant Kuo has not yet made an appearance in this district. She was ordered
13 removed from the Central District of California and is en route in the custody of the United
14 States Marshals. Time is excludable as delay resulting from the removal of a defendant from one
15 district to another. See 18 U.S.C. § 3161(h)(1)(G).

16 Therefore, the parties are requesting an exclusion of time under the Speedy Trial Act.
17 The parties agree that the time from October 7 through November 17, 2005 should be excluded
18 in computing the time within which trial must commence. See 18 U.S.C. §§ 3161(h)(1)(G),
19 3161(h)(8)(A) and (B)(iv).

20 Accordingly, the Court HEREBY ORDERS that the time from October 7 through
21 November 17, 2005 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161.

22 The Court finds that the delay resulting from the removal of defendant Kuo from the
23 Central District of California to this district is excludable. See 18 U.S.C. § 3161(h)(1)(G).

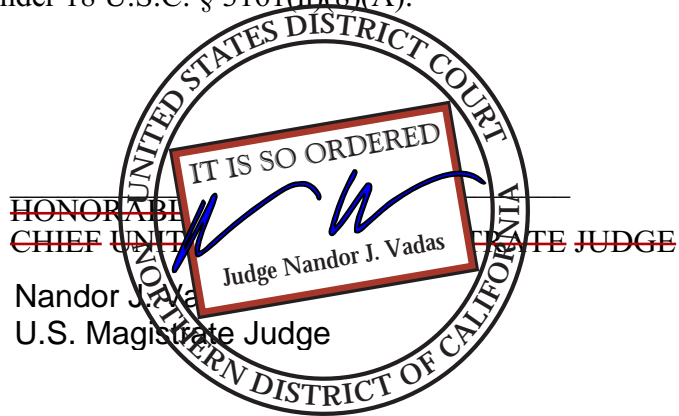
24 The Court finds that the failure to grant the requested exclusion would deny the defendant
25 reasonable time necessary for effective preparation, taking into account the exercise of due
26 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

27 The Court finds that the ends of justice served by granting the requested exclusion
28

1 outweigh the best interest of the public and the defendant in a speedy trial and in the prompt
2 disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes
3 that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

4
5 SO ORDERED.

6 DATED: October 21, 2005



Approved as to form:

/s/ Juliana Drous
JULIANA DROUS
Counsel for Defendant PETERS

/s/ Monica Fernandez
MONICA FERNANDEZ
Assistant United States Attorney
Counsel for the United States